

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

*AMMIE R. COLE,*  
Plaintiff,

vs.

*KNOX COUNTY SCHOOLS, LOIS McSWINE,  
KATHY SIMS, CAROL STREVEL and  
SUSAN ESPIRITU,*  
Defendants.

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No. 3:10-cv-344

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**MOTION TO DISMISS**

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The Defendant, Knox County Board of Education<sup>1</sup>, by and through counsel, hereby moves to dismiss this matter against it pursuant to F.R.C.P. 12(b)(6), failure to state a claim upon which relief may be granted. In support thereof, Defendant files a memorandum of law contemporaneously herewith.

Defendant respectfully requests the court enter an Order granting Defendant's Motion to Dismiss Plaintiff's Complaint filed against it.

Respectfully submitted this 7<sup>th</sup> day of October, 2011.

/s/ David M. Sanders

DAVID M. SANDERS, BPR No. 016885  
Deputy Knox County Law Director

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of Education*

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<sup>1</sup> Knox County Board of Education is a governmental entity created by Tennessee law capable of suing and being sued. Knox County Schools is not a legal entity.

### **CERTIFICATE OF SERVICE**

I hereby certify that on October 7, 2011, a copy of the foregoing Memorandum in Support of Defendant Knox County Board of Education's Motion to Dismiss was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular United States Mail, postage prepaid. Parties may access this filing through the Court's electronic filing system.

/s/ David M. Sanders

DAVID M. SANDERS